

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOSE LOPEZ TORRES, ALVIN GAITAN
BENITEZ, CHRISTIAN LEMUS CERNA,
OMAR DEJESUS CASTILLO, DOUGLAS
DURAN CERRITOS, MANUEL ERNESTO
PAIZ GUEVARA, and JESUS ALEJANDRO
CHAVEZ,

Defendants.

Crim. No. 1:14cr306

April 4, 2016

JURY TRIAL

** EXCERPT: TESTIMONY OF SANDRA M. D'SA **

BEFORE: THE HONORABLE GERALD BRUCE LEE
UNITED STATES DISTRICT JUDGE

APPEARANCES:

FOR GOVERNMENT: UNITED STATES ATTORNEY'S OFFICE
BY: JULIA MARTINEZ, AUSA
STEPHEN M. CAMPBELL, AUSA
TOBIAS TOBLER, AUSA

OFFICIAL COURT REPORTER:

RENECIA A. SMITH-WILSON, RMR, CRR
U.S. District Court
401 Courthouse Square, 5th Floor
Alexandria, VA 22314
(703)501-1580

APPEARANCES (Continued)

FOR DEFENDANT JOSE LOPEZ TORRES

BYNUM & JENKINS, PLLC
BY: ROBERT L. JENKINS, JR., ESQ.
THE LEIVA LAW FIRM, PLC
BY: MANUEL E. LEIVA, ESQ.

FOR DEFENDANT ALVIN GAITAN BENITEZ

LAW OFFICE OF AMY LEIGH AUSTIN
BY: AMY LEIGH AUSTIN, ESQ.
SMITH & ZIMMERMAN, PLLC
BY: JEFFREY D. ZIMMERMAN, ESQ.

FOR DEFENDANT CHRISTIAN LEMUS CERNA

LAW OFFICE OF CHRISTOPHER AMOLSCH
BY: CHRISTOPHER AMOLSCH, ESQ.
FRANK SALVATO, ESQ.

FOR DEFENDANT OMAR DEJESUS CASTILLO

FIRSTPOINT LAW GROUP, PC
BY: KATHERINE MARKELL, ESQ.
OLD TOWN ADVOCATES, PC
BY: MEREDITH M. RALLS, ESQ.

FOR DEFENDANT DOUGLAS DURAN CERRITOS

LAW OFFICE OF J.R. CONTE, PLLC
BY: JOSEPH R. CONTE, ESQ.
LAW OFFICE OF DWIGHT CRAWLEY
BY: DWIGHT E. CRAWLEY, ESQ.

FOR DEFENDANT MANUEL ERNESTO PAIZ GUEVARA

LAW OFFICE OF W. MICHAEL CHICK, JR.
BY: WILLIAM MICHAEL CHICK, JR., ESQ.

FOR DEFENDANT JESUS ALEJANDRO CHAVEZ

JEROME P. AQUINO, ESQ.
ELITA C. AMATO, ESQ.

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(End of excerpt)

1 Q. What languages are you a contract language
2 monitor for?

3 A. Spanish.

4 Q. How long have you spoken Spanish?

5 A. My whole life. When I -- when --

6 Q. If you could just lean into the microphone there.
7 Sorry.

8 How long have you spoken Spanish?

9 A. My whole life. I'm a native speaker.

10 Q. What country are you from?

11 A. Mexico.

12 Q. When did you come to the United States?

13 A. When I was 17.

14 Q. Seventeen?

15 A. Uh-huh.

16 Q. How old were you when you learned English?

17 A. Seventeen.

18 Q. Where did you work prior to the FBI?

19 A. I was a teacher.

20 Q. What kind of teacher?

21 A. Preschool teacher.

22 Q. In that capacity, were you able to use your
23 Spanish language skills?

24 A. Yes.

25 Q. How so?

1 A. I was teaching Spanish to the children.

2 Q. What school is this?

3 Or where was this school, perhaps is a better
4 question.

5 A. In Herndon.

6 Q. And when you were teaching Spanish to the
7 children, were you speaking in Spanish?

8 A. Yes.

9 Q. And were you also being spoken to in Spanish?

10 A. They tried, yes.

11 Q. You're from Mexico?

12 A. Yes.

13 Q. Would you agree that Spanish speakers from
14 different countries that speak Spanish use different
15 kinds of dialects?

16 MR. AQUINO: Objection as to leading.

17 THE COURT: Overruled.

18 THE WITNESS: I do agree.

19 BY MS. MARTINEZ:

20 Q. In addition to a dialect spoken by a native of
21 Mexico, such as yourself, are you familiar with dialects
22 by Spanish speakers from any other countries?

23 A. I am.

24 Q. What countries?

25 A. Every -- countries from South America, like Peru,

1 Argentina, Peru -- I'm sorry -- Bolivia, Colombia,
2 Central America: El Salvador, Honduras, Guatemala,
3 Nicaragua.

4 Q. How have you become familiar with all of these
5 dialects?

6 A. Well, I -- at work, I come across all kinds of
7 material from different countries; and just by speaking
8 to other native speakers, native from the countries.

9 Q. I'll focus specifically on El Salvador. How long
10 have you been able to speak with, communicate with,
11 natives of El Salvador in Spanish?

12 A. Oh, for about over 20 years. I've spoken to
13 people from El Salvador from the time I went to school,
14 grew up here.

15 Q. You say when you went to school. Where did you
16 go to school?

17 A. Um, I went to school in Herndon, high school.

18 Q. And, at school, did you have opportunities to
19 speak with other native speakers?

20 A. Yes.

21 Q. From what countries?

22 A. Mainly El Salvador, and some were Peruvian,
23 Guatemalan, Honduran.

24 Q. Focusing on your experience with the FBI, what
25 are your duties as a contract language monitor with the

1 FBI?

2 A. I translate material, usually from Spanish into
3 English.

4 Q. What kind of material?

5 A. Audio, documents. I also do interpreting, yep.

6 Q. When you were hired by the FBI nearly nine years
7 ago, was there a test or qualification that you had to
8 satisfy in order to become a contract language monitor?

9 A. Yes.

10 Q. Were you able to satisfy that test or
11 qualification?

12 A. Yes.

13 Q. You talked about translating recordings. What
14 kind of recordings?

15 A. Um, it varies. We -- it could be a -- like a
16 body wire or a telephone conversation, or -- it depends.

17 Q. When you say "a telephone conversation," can you
18 tell us a little bit more about your work translating
19 telephone conversations?

20 A. Yes. It could be from wire intercept, or it
21 could be just a conversation that it's been recorded by
22 the agents.

23 Q. What is a wire intercept?

24 A. A wire intercept is when we listen to the
25 conversations of a telephone, of somebody's telephone.

1 Q. Have you worked on wire intercepts during your
2 experience with the FBI?

3 A. Yes, I have.

4 Q. When you're working on one particular wire
5 intercept, how long do you work on that same wire
6 intercept?

7 A. About 40 hours a week.

8 Q. And for how long?

9 A. Oh, it varies. It could be one, two months, up
10 to a year, two years, perhaps.

11 Q. Over your nearly nine years, how many wire
12 intercepts have you worked on that included Spanish
13 language phone calls?

14 A. Over 15.

15 Q. And, of these over 15 wire intercepts, what
16 countries -- what dialects were spoken in these Spanish
17 language recordings?

18 A. Um, mostly Mexican, Salvadoran, Puerto Rican, a
19 little bit of Peruvian.

20 Q. About what percentage would you say was
21 Salvadoran?

22 A. About 50 percent.

23 Q. I think you mentioned body wire recordings. What
24 is that?

25 A. A body wire is when the agents have a cooperating

1 witness, and they put a recording device, and they go
2 in -- they could go to a meeting. They could go to,
3 whatever their tasks.

4 Q. What is your role?

5 A. I have to listen to the -- the recording and
6 translate it.

7 Q. What language is -- do you translate?

8 A. Spanish.

9 Q. You also said that you do in-person translation.
10 Can you tell the jury a little bit more about that?

11 A. Yes. I interpret for, like, if I -- if they need
12 me to go to interview a victim or to interpret in court
13 or to interpret in any -- any given situation where
14 the -- the agents need help interpreting for a person
15 who doesn't speak English.

16 Q. In these contexts, in-person interpretations, are
17 you interpreting from Spanish into English?

18 A. Yes.

19 Q. Are you --

20 A. Mostly.

21 Q. Are you also interpreting from English into
22 Spanish?

23 A. Sometimes -- yes, all the times.

24 Q. Do you have any problem communicating with these
25 native Spanish speakers?

1 A. No.

2 Q. And, what countries are these native Spanish
3 speakers from?

4 A. It varies. Mostly Central American; Honduran,
5 Salvadoran, Mexican.

6 Q. Now, going back to what you talked about, about
7 translating for wire intercepts, when you're working on
8 a wire, what is it that you're actually doing on a
9 day-to-day basis for 40 hours a week?

10 A. I come in. I log into the system. And then we
11 just wait for the calls to come. And when the call
12 comes, we do a summary of the calls. Usually, it's in
13 Spanish, and -- and, we sign it, and that's it.

14 Q. And, when you say you do a summary, how is it
15 that you're preparing the summary?

16 What are you doing in order to prepare the
17 summary?

18 A. I listen to the conversation.

19 Q. What language is the conversation in?

20 A. In Spanish.

21 Q. During your nearly nine years of experience with
22 the FBI, in all of these types of translating that
23 you've done, approximately what percentage would you say
24 has been Salvadoran dialect?

25 A. About 50, 50 percent.

1 Q. And, how many hours -- could you estimate how
2 many hours of recorded Spanish language material you've
3 heard during the course of your experience with the FBI
4 that was in Salvadoran dialect?

5 A. Thousands. It's been a lot.

6 MS. MARTINEZ: Your Honor, at this time we
7 move the Court to recognize Ms. D'Sa as an expert
8 Spanish language linguist, both in the Spanish language
9 and in the Salvadoran dialect.

10 MR. LEIVA: Subject to cross, Your Honor.

11 THE COURT: All right. She'll be qualified
12 as an expert in the Spanish language as a linguist and
13 Salvadoran dialect.

14 You may proceed.

15 BY MS. MARTINEZ:

16 Q. As part of this case, were you asked to prepare
17 Spanish -- I'm sorry -- were you asked to translate
18 Spanish language recordings and prepare English
19 transcripts of those recordings?

20 A. Yes.

21 Q. What process do you use when you're
22 preparing a -- well, let me ask you this: Were they
23 verbatim translations?

24 A. Yes.

25 Q. What process do you use when you're preparing a

1 verbatim English translation of a Spanish language
2 recording?

3 A. So, I get the CD -- usually it comes in a CD --
4 and I follow the format, I listen to it and I just start
5 typing what I hear, and I translate it into Spanish.

6 Q. What kind of equipment do you use when you do
7 this?

8 A. I use, um, a transcription, um, system called,
9 um, Omniversal (sic) Start-Stop. And it just has a, um,
10 pedal that controls -- allows me to pause and go as I
11 hear, and then I just type.

12 Q. What's the -- what's the purpose of the pedal?

13 A. Just so I can pause or go back without having to
14 use my hands. So I just have a pedal and I just type,
15 but, pause or continue, and then I just hear and type
16 and translate.

17 Q. Why is it helpful to not have to use your hands
18 to start and stop or rewind?

19 A. Because I can go fast and I can just focus on
20 what I'm doing.

21 Q. Does that software, Omniversal Start-Stop, make
22 any changes to the recordings itself?

23 A. No.

24 Q. Does it make any changes to the data contained
25 within the recording?

1 A. No.

2 Q. Now, as you're listening to the Spanish language
3 recording, what is it that you're preparing?

4 A. Translation of the recording.

5 Q. And, about how many times do you listen to one
6 Spanish language recording in order to prepare a
7 verbatim translation?

8 A. Many, many, many.

9 For instance, just to get one phrase, I could
10 listen to it for over an hour, just to -- to get that
11 one -- not even a minute, just ten seconds, can take me
12 20 minutes, just because I want to make sure I'm getting
13 what I'm -- what I'm translating is correct.

14 Q. And, how is it that you make sure that the
15 translation is correct?

16 A. Um, I'm sorry?

17 Q. You said you want to make sure -- you're
18 listening to make sure that what you're getting is
19 correct. Can you explain to the jury what you mean by
20 that?

21 A. Yes. Because, I want to know that what I'm
22 producing is accurate, and, I'm not hearing what I think
23 I'm hearing, versus what they're really actually saying.

24 So, I -- I'm very meticulous about that. I have
25 to make sure that what I'm translating is accurate and

1 it's -- um, and I'm conveying the meaning.

2 Q. When you prepare one of these translations, do
3 you listen to the recording from beginning to end?

4 A. Yes.

5 Q. Do you do that multiple times?

6 A. Yes. I usually listen to it the first -- when I
7 first get the CD or the source of the -- or the audio, I
8 listen to it once, all the way and, just so I know what
9 the conversation is all about, what's going on, how many
10 participants.

11 And then after that is when I start the actual
12 translation. And, you know, sometimes I have to go back
13 a little bit and make sure I know exactly what they're
14 saying.

15 Q. So, you listen to it once all the way through,
16 then you begin listening and translating?

17 A. Yes.

18 Q. How many times from the very beginning -- from
19 the first time you listen to the time that you've
20 prepared the translation, how many times have you
21 listened to the recording from beginning to end, on
22 average?

23 A. About five, five times.

24 Q. Why so many?

25 A. Because I have to make sure I get the correct

1 translation. I want to make sure that I'm getting
2 exactly what they're saying.

3 Q. Once you've prepared the translation and you
4 actually have the document in front of you, what's the
5 next thing that you do?

6 A. Um, I turn it in to my supervisor, and then she
7 sends it somewhere else for -- to another colleague for
8 quality control.

9 Q. Are you ever someone who does quality control for
10 your own colleagues?

11 A. Yes.

12 Q. Tell the jury about that process.

13 A. Okay. So, we have a linguist and he translates
14 the product. So the quality controller gets that
15 product, so we have to follow the audio and the
16 translation and make sure the -- make sure the linguist
17 accurately translated the document.

18 Um, if there are mistakes or omissions, then we
19 make suggestions and we track the changes. Um, and it
20 goes back to the linguist.

21 Q. So, we're returning to an example where you're
22 the linguist. Do you receive the translation back after
23 the review?

24 A. Yes.

25 Q. What do you do then?

1 A. Um, then I look at the changes they suggested,
2 and if I agree, and if it didn't -- if I agree with the
3 changes, I make the changes. If I don't agree with the
4 changes, I don't. I reject the changes and I keep my
5 original translation.

6 Q. When you're reviewing any suggested changes, are
7 you doing that just based on the translation or does
8 that involve the recording as well?

9 A. It involves the recording, always.

10 Q. How so?

11 A. You have -- when you're going back to a
12 translation, you cannot just read it and say, "Oh, yeah,
13 that sounds good." You have to make sure you go back to
14 that same exact point of the translation and then you
15 listen to it and make sure it matches with whatever you
16 wrote or the suggestion of the quality reviewer.

17 Q. During the course of your trial preparation, did
18 you review some of the translations that you prepared?

19 A. Yes, I did.

20 Q. Did you review them along with the Spanish
21 language recordings that you translated?

22 A. Yes, I did.

23 MS. MARTINEZ: Your Honor, with the help of
24 the court security officer, if we could show the witness
25 what has been marked as Government's Exhibit 1-A and

1 1-A-1.

2 BY MS. MARTINEZ:

3 Q. Let's start with 1-A. Do you have that in front
4 of you there?

5 A. Yes, I do.

6 Q. What is it?

7 A. It's a CD. It's the recording in Spanish.

8 Q. When you say "the recording in Spanish," what do
9 you mean?

10 A. It's a CD that contains a recording in Spanish.
11 I translate it.

12 Q. Have you reviewed this particular CD?

13 A. Yes, I have.

14 Q. How do you know that?

15 A. Because I signed it and I reviewed it.

16 Q. When you reviewed it, what did you do?

17 A. I listen to the audio and make sure it was -- um,
18 it matched the translation.

19 Q. Turning your attention to what should be in front
20 of you there, Exhibit 1-A-1, what is that?

21 A. That is the translation of the audio.

22 Q. Which audio?

23 A. The 1 -- 1-A? 1-A, yes.

24 Q. All right. If you could pull that translation
25 out of the sleeve there, so you have a chance to look at

1 it.

2 A. Yes.

3 Q. Within the translation, are there speakers who
4 are identified?

5 A. Yes.

6 Q. Were you responsible for identifying the
7 speakers?

8 A. No.

9 Q. On the front page of the -- the exhibit there,
10 there's information about time and date, that sort of
11 thing.

12 A. Uh-huh.

13 Q. Where does that information come from?

14 A. It comes from the -- the recording.

15 Q. Now, with the exception of the identities of the
16 speakers, is all of the translation contained -- all the
17 text contained within that translation your work -- your
18 work product?

19 A. Yes.

20 Q. Excuse me.

21 A. Yes.

22 Q. And, is Government's Exhibit 1-A-1, that
23 translation, a true and accurate English translation of
24 the Spanish language recording, Government's
25 Exhibit 1-A, to the best of your abilities as a Spanish

1 language monitor?

2 A. Yes, it is.

3 MS. MARTINEZ: Your Honor, we would move to
4 conditionally admit Government's Exhibit -- Government's
5 Exhibit 1-A-1, subject to establishing relevance and the
6 identities of the speakers.

7 I'll note for the record that Government's
8 Exhibit 1-A, the recording, has already been admitted.

9 MR. AQUINO: Judge, I object as to the
10 verbatim aspect as being listed on the face of that
11 exhibit, and I ask that you reserve judgment on that
12 until we argue later about it.

13 THE COURT: Is that it?

14 MR. AQUINO: Yes, sir.

15 THE COURT: All right. Well, I will
16 conditionally admit 1-A-1, subject to relevance and
17 identification of the speakers. And we will deal with
18 that.

19 BY MS. MARTINEZ:

20 Q. Ms. D'Sa, could I turn your attention in the same
21 binder to Exhibits 4-A, and 4-A-1?

22 A. Yes. I have it.

23 Q. What is Government's Exhibit 4-A?

24 A. It's a CD containing recording in Spanish.

25 Q. At any point, did you review that recording?

1 A. Yes, I did.

2 Q. How do you know that?

3 A. Because I signed it. It has my initials on it.

4 Q. What is Government's Exhibit 4-A-1?

5 A. It's the translation of the recording.

6 Q. Which recording?

7 A. Of the 1-A -- I'm sorry -- 4-A.

8 Q. How do you know that the translation in 4-A-1 is
9 a translation of 4-A?

10 A. Because I reviewed it. I listened to the
11 recording and matched it to the translation.

12 Q. Who prepared the translation?

13 A. I did.

14 Q. Okay. And again, with the exception of the
15 identity of the speakers, is that translation your work
16 product?

17 A. Yes, it is.

18 Q. And, is Government's Exhibit 4-A-1 a true and
19 accurate English translation of the recording contained
20 in 4-A, to the best of your abilities as a Spanish
21 language linguist?

22 A. Yes, it is.

23 MS. MARTINEZ: Your Honor, we would
24 conditionally move to admit Government's Exhibits 4-A
25 and 4-A-1, subject to establishing relevance and

1 identity of speakers.

2 MR. AQUINO: Same objection, Judge.

3 In addition to that, to the extent that the
4 testimony would morph into gang expert, we would ask
5 that as an additional objection.

6 And finally, we believe that there may be,
7 and are, *Crawford* issues related to that. So when we
8 get to some point, we would like to argue that to the
9 Court.

10 THE COURT: All right. Then we'll
11 conditionally admit 4-1, 4-A-1, transcript, subject to
12 relevance, identity of speakers, information about
13 whether or not gang parlance has been properly
14 interpreted.

15 Go ahead.

16 BY MS. MARTINEZ:

17 Q. Turning your attention to Government's
18 Exhibits 4-B and 4-B-1 --

19 A. Yes.

20 Q. -- what is Government's Exhibit 4-B?

21 A. It is a -- it is a smaller part of 4-A -- of
22 the -- of 4-A.

23 Q. What do you mean, "a smaller part"?

24 A. It is -- whatever is on this disk on Exhibit 4-B
25 is contained on 4-A. It's a smaller clip of the -- of

1 4-A.

2 Q. Did you review that clip?

3 A. Yes, I did.

4 Q. How do you know?

5 A. I signed it and I listened to it.

6 Q. If you could look at Government's Exhibit 4-B-1.
7 What is 4-B-1?

8 A. It's the translation of 4-B, Exhibit 4-B.

9 Q. Is Government's Exhibit 4-B-1 also a clip of some
10 sort?

11 A. Yes, it is. It's a clip from a 4-A.

12 Q. And, is that clip transcript, 4-B-1, a true and
13 accurate translation of the clip recording from
14 Government's Exhibit 4-B, to the best of your abilities
15 as a Spanish language linguist?

16 A. Yes, it is.

17 MS. MARTINEZ: Your Honor, we move to
18 conditionally admit Government's Exhibit 4-B and 4-B-1
19 subject to relevance and identity of speakers.

20 MR. AQUINO: Judge, same objection.

21 To speed matters along, every time they
22 admit or attempt to admit an exhibit, I ask that you
23 treat it as a standing objection.

24 THE COURT: I think that's very efficient.
25 So if there's a question, we will admit the transcripts

1 conditionally with issues of verbatim -- whether or not
2 it's verbatim or not, subject to relevance, identity of
3 speakers, and limited on whether or not there's evidence
4 to support gang parlance.

5 Go ahead.

6 BY MS. MARTINEZ:

7 Q. Moving now to Government's Exhibit 4-C and 4-C-1.
8 What is Government's Exhibit 4-C?

9 A. It is also a clip from Exhibit 4-A.

10 Q. Did you review that clip?

11 A. I did.

12 Q. How do you know that?

13 A. I signed the disk and I reviewed it. I listened
14 to it.

15 Q. What is Government's Exhibit 4-C-1?

16 A. It's the translation of 4-C, Exhibit 4-C.

17 Q. Is that translation of in Exhibit 4-C a true and
18 accurate English language translation of the Spanish
19 language clip in 4-C?

20 A. It is.

21 Q. Moving now to Government's Exhibit 12-A and
22 12-A-1.

23 A. Okay.

24 Q. What is Government's Exhibit 12-A?

25 A. It's a CD containing a recording in Spanish.

1 Q. Is that a recording that you reviewed?

2 A. Yes.

3 Q. How do you know that?

4 A. Because I signed the CD and I listened to it.

5 Q. And Government's Exhibit 12-A-1, what is that?

6 A. It's the translation of Exhibit 12-A.

7 Q. Who prepared that translation?

8 A. I did.

9 Q. Is Government's Exhibit 12-A-1 a true and
10 accurate English translation of Government's
11 Exhibit 12-A, to the best of your abilities as a Spanish
12 language linguist?

13 A. It is.

14 Q. And just for an example for just a moment, on the
15 cover page of Exhibit 12-A-1 -- forgive me if we've
16 covered this before, but I don't recall -- there's
17 information concerning date, time, duration, phone
18 numbers, that sort of thing on the cover page. Where
19 does that information come from?

20 A. It comes from the recording.

21 Q. Moving on to Government's Exhibit 19-A and
22 19-A-1, what is Government's Exhibit 19-A?

23 A. A CD containing a recording.

24 Q. Is that a recording that you reviewed?

25 A. Yes, it is.

1 Q. How do you know that?

2 A. Because I signed the CD, and I listened to it.

3 Q. What is Government's Exhibit 19-A-1?

4 A. It is the translation of Exhibit 19-A.

5 Q. Who prepared that translation?

6 A. I did.

7 Q. Is the translation in Government's Exhibit 19-A-1
8 a true and accurate English translation of the Spanish
9 language recording in 19-A, to the best of your
10 abilities as a Spanish language linguist?

11 A. It is.

12 Q. Turning now, please, to Government's Exhibit 21-A
13 and 21-A-1.

14 A. Okay.

15 Q. What is 21-A?

16 A. A CD containing a recording.

17 Q. A recording that you reviewed?

18 A. Yes.

19 Q. How do you know that?

20 A. Because I signed the CD, and I listened to it.

21 Q. What is Government's Exhibit 21-A-1?

22 A. It's the translation of Exhibit 21-A.

23 Q. Who prepared that translation?

24 A. I did.

25 Q. Is the translation contained in

1 Government's Exhibit 21-A-1 a true and accurate English
2 translation of the Spanish language recording in
3 Government's Exhibit 21-A, to the best of your abilities
4 as a Spanish language linguist?

5 A. Yes.

6 Q. And now, Government's Exhibits 23-A and 23-A-1.

7 A. Okay.

8 Q. What is Government's Exhibit 23-A?

9 A. It's a CD containing a recording.

10 Q. Is that a recording that you reviewed?

11 A. Yes.

12 Q. How do you know that?

13 A. Because I signed the CD and I listened to it.

14 Q. What is Government's Exhibit 23-A-1?

15 A. It is the translation that goes with 23-A.

16 Q. Who prepared the translation?

17 A. I did.

18 Q. Is the translation contained in Government's
19 Exhibit 23-A-1 a true and accurate English translation
20 of the Spanish language recording in 23-A, to the best
21 of your abilities as a Spanish language linguist?

22 A. Yes.

23 Q. And again, to cover all of these translations
24 that we've covered, were you responsible for identifying
25 the speakers?

1 A. No.

2 Q. Other than identifying the speakers contained in
3 these translations, is all of the -- all of the
4 translation your work product?

5 A. Yes.

6 MS. MARTINEZ: Your Honor, just for the
7 record, we would move to conditionally admit all of the
8 exhibits -- conditionally admit the following exhibits,
9 subject to establishing relevance and the identity of
10 the speakers -- other than the ones I've already said --
11 4-C, 4-C-1, 12-A, 12-A-1, 19-A, 19-A-1, 21-A, 21-A-1,
12 23-A, 23-A-1.

13 THE COURT: Received, subject to the
14 previous ruling concerning verbatim and all the other
15 matters I mentioned earlier.

16 BY MS. MARTINEZ:

17 Q. Ms. D'Sa, in addition to these recordings that we
18 just looked at today or that we talked about today, did
19 you listen to other Spanish recordings related to this
20 case?

21 A. I did.

22 Q. For what purpose?

23 A. To translate them.

24 Q. About how many recordings did you listen to
25 during the course of this case?

1 A. Many. Many.

2 Q. How long have you been working on Spanish
3 language recordings for this case?

4 A. Over a year.

5 Q. And in addition to preparing these verbatims,
6 what roles have you played?

7 A. I was one of the linguists assigned to do the
8 verbatim translations.

9 Q. Approximately how many hours have you spent
10 listening to recordings and preparing translations
11 related to this case?

12 A. Over a thousand hours. It's been a long -- many,
13 many.

14 Q. And, what country of -- well, let me ask you
15 this: As a Spanish language linguist, when you listen
16 to someone speaking in Spanish, are you typically able,
17 after a period of time, to determine what country of
18 origin dialect they're using?

19 A. Yes, I am.

20 Q. How can you determine that?

21 A. Um, experience, and just knowing that I know.

22 Q. And, in this case, listening to these Spanish
23 language recordings, both the ones that we've covered
24 and the others -- the many others that you listened to,
25 were you able to determine what type of dialect was

1 being used?

2 A. Absolutely.

3 Q. And what type of dialect was that?

4 A. Um, Salvadoran, El Salvadoran.

5 Q. During the course of your experience with the
6 FBI, what kinds of cases have you worked on?

7 A. Oh, I have worked drug cases, gang, gang cases,
8 counterterrorism, counterintelligence, human
9 trafficking, white-collar crime, blue-collar crime,
10 um -- (pause) --

11 Q. About what percentage of your -- I'm sorry. Did
12 I interrupt you?

13 A. No.

14 Q. About what percentage of your cases during your
15 nearly nine years of experience with the FBI have been
16 gang cases?

17 A. About 30 percent of the cases.

18 Q. And, have you been able to prepare translations,
19 both summary and verbatim, in gang cases?

20 A. Yes.

21 Q. What -- do you know what gangs were involved in
22 the gang cases that you worked on?

23 A. Mostly MS-13 and 18th Street.

24 Q. How, if at all, have you educated yourself and
25 learned the different dialects that are spoken by gang

1 members?

2 A. I have done extensive research, particularly to
3 MS-13. I have been working on MS-13 cases for nine
4 years, and I have prepared by -- I do research, number
5 one.

6 I do -- I have a lot of interaction with police
7 officers from El Salvador. And they come from a task
8 force in El Salvador that deals with gangs. And I have
9 been lucky enough to work with them, at least five of
10 them. And, they have helped me understand how they --
11 how they speak.

12 Q. How have you they helped you?

13 A. I -- I ask them questions, a lot of questions.
14 When I don't understand something they say, I typically
15 have an idea, and if I'm not a hundred percent sure and
16 I have not confirmed it, I -- I consult with these
17 gentlemen who are experts, and they -- they're down
18 there, they talk to them, they deal with them, and
19 they -- they know how they talk.

20 And I ask them, "What does this mean," and they
21 explain it to me. I take notes, and I have my own
22 glossary. It's -- pretty big.

23 Q. And these gentlemen that you just mentioned, who
24 are the gentlemen?

25 A. They are police officers from the TAG. The TAG

1 is a transnational gang unit task force in El Salvador,
2 something like that. So, their main job is to deal with
3 gangs, gang members.

4 Q. Now, you said that when you consult these law
5 enforcement officials, you said, "Usually I have an idea
6 but then I go to them for clarification." Can you tell
7 the jury what that means?

8 A. Yes. I do my own research. I read books. I --
9 just from experience, listening and, um, I watch
10 documentaries, and, you know, gang documentaries, and I
11 do my own research.

12 And if I am not clear about a term or a word, or
13 if I come across a part of the recording that I don't
14 understand -- and sometimes it's not even about, um --
15 the Spanish is not very clear, or what -- like, if I
16 understand the words, but not when you put them
17 together, you're not sure of what they mean, I do
18 consult with the officers. And they clarify, "Oh, yeah,
19 you know, you were pretty close," or, "No, that was not
20 really" -- "that's really not what they're saying in
21 this case."

22 Because, you know, one phrase can mean many
23 different things, so, it depends.

24 Q. In instances when you've consulted with others
25 for assistance, do you rely solely on what someone else

1 says, or do you rely on the recording as well?

2 A. On the recording as well.

3 Q. What does that mean?

4 A. Um, I have to make sure I understand what they're
5 saying -- what the recording says, and I have -- and I
6 have a clear understanding of the words that are being
7 said.

8 Putting them together and understanding the
9 meaning could get a little challenging at times.

10 Q. How, if at all, does context affect the way that
11 you're able to translate a word or a phrase during a
12 recording?

13 A. Context -- how does it affect the recording?

14 Q. No. How does it affect your ability to translate
15 a particular word or phrase?

16 A. Well, it depends. A word can mean many different
17 things.

18 So, I have to have a -- a big -- the whole idea.
19 That's why I listen to the whole thing from beginning to
20 end. Because if you -- if I hear a word there that
21 in -- and you just throw it out there, and you're
22 telling me, "Well, that means this, not that," well,
23 within the context -- within the context of the
24 conversation, it means that, and I know, because I -- I
25 put it all together.

1 Q. So, in other words, if someone else tells you
2 that word A means B, do you rely solely on what that
3 other individual told you or do you do something else?

4 A. No, I don't.

5 Q. What do you do?

6 A. I put -- I put everything together. It's my --
7 my expertise and my knowledge of the language and of
8 the -- that specific -- that lingo or that slang. And,
9 if I'm not satisfied with -- with that, then I just kind
10 of ask other people that have been -- other linguists or
11 even other agents that might have -- know a little bit,
12 other Spanish speaking agents.

13 It is never -- translating is never black or
14 white. You know, there's -- there's always a little bit
15 of a gray area that, you know, it's never this or that.
16 No way.

17 MS. MARTINEZ: Thank you.

18 No further questions, Your Honor.

19 THE COURT: You may proceed.

20 MR. LEIVA: Thank you.

21 CROSS-EXAMINATION

22 BY MR. LEIVA:

23 Q. Good afternoon, Ms. D'Sa.

24 A. Good afternoon.

25 Q. Ms. D'Sa, let's go through some preliminary stuff

1 before we get into your translation that was done in
2 this case.

3 A. Yes.

4 Q. Looking over your resumé, you're not a member of
5 the American Translator Association, are you?

6 A. No, I'm not.

7 Q. You've never gone through the American Translator
8 Association certified program, have you?

9 A. No.

10 Q. Okay. You're not a member of the International
11 Association of Professional Translators and
12 Interpreters?

13 A. I'm not.

14 Q. Okay. You're not a member of the National
15 Capital Area Translators Association?

16 A. No, I'm not.

17 Q. All right. And, you're also not a member of the
18 National Association for Interpretation?

19 A. No, I'm not.

20 Q. Okay. So, other -- well, in -- let me ask you,
21 you've never been court-certified to testify as a
22 translator in federal court, have you?

23 A. No, I've not.

24 Q. Okay. And, you said that you work for the FBI.
25 I'm assuming that you're an independent contractor that

1 works for the FBI?

2 A. I am.

3 Q. You also were asked about your work history.

4 A. Yes.

5 Q. I see that you graduated from college, but that
6 was with a major in psychology?

7 A. Yes.

8 Q. Okay. Now, you lived in your native country of
9 Mexico until you were 17 or 18 years old?

10 A. Seventeen.

11 Q. Seventeen. And for at least a good 17 years of
12 your life, you didn't speak with any Salvadorans while
13 you lived in Mexico, for the most part. Would you agree
14 with that?

15 A. I agree with that.

16 Q. And you would agree that your country of Mexico
17 has its own distinct dialect, does it not?

18 A. Yes.

19 Q. You guys have your own words that people
20 throughout Latin America are not familiar with?

21 A. Absolutely, uh-huh.

22 Q. You guys have your own distinct dialect as well?

23 A. Yes.

24 Q. And, even within Mexico the meaning of a word
25 changes from region to region?

1 A. Yes.

2 Q. And, you would agree that throughout Latin
3 America, Spanish is spoken differently?

4 A. Yes.

5 Q. For example, someone from Argentina may have no
6 clue what someone from El Salvador is speaking.

7 A. Yes.

8 Q. And someone from Nicaragua may have no clue to
9 what someone from Uruguay is speaking or saying --

10 A. Correct.

11 Q. -- right?

12 Even though the mother language is Spanish.

13 A. Yes.

14 Q. So, would it be fair to say that when you first
15 started having contact with Salvadorans, you had some
16 difficulty understanding them?

17 A. No, not really.

18 Q. I'm not saying you didn't understand them; but it
19 was different, the way they were speaking?

20 A. Yes.

21 Q. And, you would agree that Salvadorans for the
22 most part tend to speak informal Spanish? In other
23 words, they tend to speak slang?

24 A. No. Depends on, you know, the level of education
25 or depends on who you're talking to. I wouldn't

1 generalize that all Salvadorans speak slang.

2 Q. Well, that's -- that's a fair statement.

3 And, I'm not asking you to generalize, but would
4 you agree with me that most of the Salvadorans that you
5 have encountered -- and I don't mean to offend anyone,
6 I'm half Salvadoran myself -- but most of the
7 Salvadorans that you've encountered don't have a high
8 level of education?

9 A. No, that's not correct.

10 Q. So you first started having contact with
11 Salvadorans once you came to this country?

12 A. Yes.

13 Q. And, as far as your employment history goes,
14 you -- it appears that once you graduated from college,
15 and maybe while you were in college, you worked at a
16 gift shop for the Ritz-Carlton, correct?

17 A. Correct.

18 Q. And from there you moved on to the Federal
19 Children's Center --

20 A. Correct.

21 Q. -- right?

22 And is that where you taught toddlers how to
23 speak Spanish?

24 A. Yes.

25 Q. And given their ages, I'm assuming it was just

1 very rudimentary Spanish that you were teaching them?

2 A. Yes, like little words and colors and -- yes.

3 Q. So, let's talk about this particular assignment.
4 I believe you said that you have been working in this
5 particular case -- was it more than a year or about a
6 year?

7 A. Um, over a -- a little bit over a year.

8 Q. A little bit over a year.

9 A. Uh-huh.

10 Q. So, you said on direct that you would provide
11 summaries.

12 A. Correct.

13 Q. I'm assuming you provided summaries to the case
14 agents?

15 A. Yes.

16 Q. So, just so I can understand what you mean by
17 "provide summaries," so, they would get a wire intercept
18 and they would immediately give it to you for you to
19 transcribe or to translate?

20 A. Correct.

21 Q. Okay. And, would you agree that Exhibits 1-A and
22 all the other exhibits that you referenced were
23 initially summaries that you gave to case agents?

24 A. Um, not necessarily myself. It could have been
25 somebody else.

1 Q. Okay. But the ones that you worked on,
2 basically, what we see in 1-A, which is attributed to
3 you as the person that was, for lack of a better term,
4 the leading linguist, that's something that you try to
5 produce for the case agents almost in realtime?

6 A. No. That was a verbatim translation of a summary
7 that was previously submitted.

8 Q. Okay. And who -- the -- the translations that
9 you have submitted in court or that Ms. Martinez has
10 submitted in court, you're saying that you looked at
11 summaries first. They were based off of summaries?

12 A. Yes, exactly.

13 Q. Okay. And, those were summaries prepared by
14 somebody else?

15 A. It could have been somebody else, yes, not
16 necessarily myself.

17 Q. Okay. So, you don't know -- you have no way of
18 knowing which summaries you prepared or which summaries
19 someone else prepared?

20 A. No.

21 Q. That you then later relied on when providing
22 these transcripts, these translations?

23 A. Correct.

24 Q. Okay. So, let's assume now that you provided
25 some of the summaries, all right?

1 So, at this point, you're working with agents
2 because it's an ongoing investigation.

3 A. Correct.

4 Q. Let's start with that premise, right?

5 A. Uh-huh.

6 Q. So, you're not going to wait months to prepare
7 these summaries or these transcripts. They need it in
8 their hands as soon as possible --

9 A. Yes.

10 Q. -- right?

11 So, then, some terms which may be very generic in
12 Spanish, you assign certain gang, um, definitions to
13 them because you knew the agents needed these summaries
14 right away?

15 A. No, I didn't assign anything. I -- I didn't -- I
16 don't assign meaning to words. I know the meaning of
17 the words, or the phrases or the words.

18 Q. But at the time that you're preparing these
19 summaries, your target audience is the agents, right?

20 A. Correct.

21 Q. All right. And your agents have told you, I'm
22 assuming, by this point that this is an MS-13
23 investigation.

24 A. Yes.

25 Q. All right. So, of course, if you get a

1 Virginia -- a generic word like "*loco*," for example --

2 A. Yes.

3 Q. -- what does "*loco*" mean to you?

4 A. In general, it's crazy.

5 Q. Okay. Can it also mean a dude, a guy?

6 A. A homie.

7 Q. Okay. Well, let's focus on that term "homie,"
8 because I see that you used "homie" for every time
9 someone said "*loco*."

10 A. Uh-huh.

11 Q. You agree with that?

12 A. Yes.

13 Q. Okay. So, then, um, if -- if you had case agents
14 that were investigating a white-collar crime between
15 some Argentinesans, all right -- and I'm sure you're
16 familiar that Argentinesans use the word "*loco*."

17 A. Yes, they do.

18 Q. You would assign the term "homie," then --

19 A. No.

20 Q. -- between Argentinesans?

21 A. No.

22 Q. Right. Because that's not your target audience,
23 right?

24 A. Exactly.

25 Q. All right. So going back to my question then, at

1 some point -- well, not at some point. Let's go back.

2 So, you would take generic terms in Spanish and
3 give them MS or gang meaning, because you knew that your
4 agents were working on an MS-13 gang case?

5 A. No. I would assign the term because I know that
6 the way they're speaking, I -- when I hear the
7 conversation, I can tell right away that they're MS-13
8 members.

9 Q. Okay. But, if an MS-13 member -- and, during
10 these conversations, you've actually heard MS-13 use the
11 word "homeboy," right?

12 A. Yes.

13 Q. They actually said, "homeboy"?

14 A. Correct.

15 Q. All right. And in their conversations, where
16 they use the word "loco"?

17 A. Correct.

18 Q. So, clearly, they know the distinction between
19 "homeboy" and "loco," if they choose to use "homeboy"
20 and choose not to use "homeboy"?

21 A. Correct.

22 Q. But you saw it fit, that where they did not use
23 the word "homeboy," you were going to assign the meaning
24 homeboy when they used "loco"?

25 A. I assigned the -- the use of that word because

1 based on my experience, when they talk to each other and
2 they call each other *locos*, they're usually talking
3 about another gang member. That is why I know -- they
4 don't refer -- they don't refer to any other person as a
5 *loco* if they're not their -- associated with them,
6 they're not one of their associates.

7 Q. I understand --

8 A. Based on my experience.

9 Q. I understand, Ms. D'Sa.

10 But you were here as a translator.

11 A. Yes.

12 Q. And what you're telling me is that you did not
13 translate "*loco*" as it's commonly used; you're using
14 your experience with talking to police officers, talking
15 to police officers here in the United States and in
16 El Salvador, to attach another meaning to what is
17 otherwise a generally accepted definition of "*loco*."

18 A. No, I don't attach other meaning to it. I use
19 the -- the meaning that it needs to go with it.

20 Q. All right. And you say that -- that meaning that
21 needs to go with it, is that because, again, you're
22 providing the summaries to these agents, and you know
23 that they are targeting MS-13, so, whatever translation
24 you provide to them has to be skewed toward that gang
25 lingo so they can understand what they're dealing with?

1 A. I'm not the one saying the words. They are
2 saying the words.

3 Q. Yeah, but --

4 A. I just translate them.

5 Q. But they're saying the word like "loco." And I'm
6 sorry to pick on such a simple word, but, it's simple,
7 "loco."

8 A. Uh-huh.

9 Q. Most people in Latin America, when you say
10 "loco," they don't think homeboy or homie; would you
11 agree with that?

12 A. I would agree with it, yes.

13 Q. Do you recall coming across another term, "*trompa*
14 *de hoyo*"?

15 And it's spelled t-r-o-m-p-a, separate word d-e,
16 separate word, h-o-y-o.

17 A. Yes, I do remember that.

18 Q. Okay. And what is the translation of that?

19 A. It is a -- it is a weapon of some sort.

20 Q. "Of some sort."

21 A. Uh-huh.

22 Q. But in the translation that you provided, you
23 actually put down the caliber of weapon and the type of
24 weapon.

25 A. Yes.

1 Q. And nowhere -- well, I'll leave it at that.

2 So, let's talk about your interaction with --
3 with members of law enforcement, both here and in El
4 Salvador.

5 So, you testified that -- that you would have a
6 lot of questions and you would do your own research and,
7 um -- I'm assuming it's because you would hear certain
8 terms that you've never heard before?

9 A. Yes.

10 Q. And, specifically this case, how many times did
11 you consult with other people about certain words that
12 you heard?

13 A. Quite a few.

14 Q. Okay. And, those people would consist of law
15 enforcement?

16 A. No, not everybody.

17 Q. I'm not saying everybody.

18 A. Uh-huh.

19 Q. You said a few. So --

20 A. A few.

21 Q. -- a few of them would be law enforcement?

22 A. A few, yes.

23 Q. Okay. Which -- which law enforcement in this
24 country did you consult with for certain definitions?

25 A. In this country. I -- I wouldn't -- no.

1 Q. Do you remember exactly who?

2 A. No, I -- not in this country, not -- not any of
3 the agents.

4 Q. Okay. So, based on that answer, then, is it fair
5 for me to assume that you consulted law enforcement
6 outside this country for certain terms that you heard in
7 these conversations?

8 A. Yes.

9 Q. Okay. Do you recall who you consulted with?

10 A. Yes. I -- I asked -- do you want the names?
11 I -- what --

12 Q. Yes, if you remember.

13 A. Well, one is -- he goes by Junior. One of them
14 is Paco, Amiga (phonetics) --

15 Q. Let me stop you right there.
16 Junior?

17 A. Yes.

18 Q. Junior is a law enforcement officer?

19 A. Yes.

20 Q. Okay. From El Salvador?

21 A. Yes.

22 Q. Okay. And, who is the other one?

23 A. Paco, Amiga, and --

24 MS. MARTINEZ: Your Honor, may we approach
25 briefly on this?

1 THE COURT: Okay.

2 MS. MARTINEZ: Briefly, Your Honor.

3 THE COURT: Sure.

4 MR. LEIVA: Your Honor, I understand what
5 the concern is.

6 THE COURT: Okay.

7 MR. LEIVA: I'll instruct the witness, just
8 give me the first names.

9 THE COURT: All right.

10 THE WITNESS: Yeah, that's right.

11 MR. LEIVA: First names.

12 BY MR. LEIVA:

13 Q. And, Paco, he's from El Salvador?

14 A. Yes.

15 Q. Okay. Who else?

16 A. Amiga. There was another gentleman, I just -- I
17 could never remember his name. But I've -- I've spoken
18 to five of them.

19 Q. Five.

20 And, do you recall or do you have notes which
21 words, specifically, you asked them to help you
22 translate?

23 A. Um --

24 Q. And I know you said you've listened to several
25 thousands hours, right?

1 A. Yes.

2 Q. So, is that a question that you can ask or -- I
3 mean that you can answer, or is it difficult?

4 A. I'm trying to think of an example. *Chumpe*, I had
5 no idea what that was. I had an idea -- I had an idea,
6 and, I asked one of the officers who was here over the
7 summer, and he told me it was a turkey.

8 And I had no idea that it was a turkey. But then
9 when you put -- when you use that word in a context,
10 in -- if you attach it to a phrase, it just means
11 something different.

12 Q. All right. That's one word. But I'm assuming,
13 since you've spoken to five different officers -- I'm
14 assuming on five different occasions?

15 A. Yes.

16 Q. Right?

17 A. Yes.

18 Q. -- that you had a number of words that you were
19 unfamiliar with and you sought their advice on.

20 A. Yes.

21 Q. You also testified that you, as part of your
22 research, would view gang documentaries?

23 A. I have watched a few, yes.

24 Q. Okay. And, you -- you derived some meaning to
25 some of the words based on those gang documentaries?

1 A. No -- no -- well, it's not just MS-13
2 documentaries. It's just all sorts of gang, gang
3 documentaries, not just MS-13.

4 Q. So, you're not familiar with which words, then,
5 that you assigned meaning are either 18th Street lingo,
6 MS-13 lingo, Latin Kings lingo, La Eme lingo?

7 A. I'm sorry. What was the question?

8 Q. Well, you said that you --

9 THE COURT: It was a compound question.

10 MR. LEIVA: All right. I'll go through each
11 name, Your Honor.

12 BY MR. LEIVA:

13 Q. So, you testified that you would watch these gang
14 documentaries and they would tend to be on gangs in
15 addition to MS-13, right?

16 A. Yes.

17 Q. And these documentaries would be part of your
18 research --

19 A. Yes.

20 Q. -- right?

21 So, do you know which words you derived meaning
22 from watching documentary -- whether it was a
23 documentary regarding La Eme?

24 A. I have never watched one regarding La Eme.

25 Q. 18th Street?

1 A. No.

2 Q. The Latin Kings?

3 A. No, I've not watched one.

4 Q. All right. So, which gangs documentaries or
5 which gangs are you referring to when you say it's not
6 only MS-13?

7 Which other Latino gangs are you referring to?

8 A. No Latino gangs. Like, I've watched
9 documentaries on the Cripps and the Hell's Angels --

10 Q. Right.

11 A. -- Angels.

12 Q. Well, going back to my original question, then:
13 So then, when -- as part of your research for giving
14 meaning to certain words, the gang documentaries you did
15 use, then, dealt with MS-13?

16 A. Yes.

17 Q. You said an interesting phrase I would like to
18 focus on. You said you like to put things all together,
19 right?

20 A. Uh-huh.

21 Q. So, you're almost like an investigator, right?

22 A. Yes.

23 Q. And, I'm assuming that working with all these
24 agents, and in this particular case over a year, you
25 felt that you were part of this team, right, that was

1 putting this case together?

2 A. Yes.

3 MR. LEIVA: That's all the questions I have,
4 Your Honor.

5 CROSS-EXAMINATION

6 BY MR. AQUINO:

7 Q. Good afternoon, ma'am.

8 A. Good afternoon.

9 Q. My name is Jerry Aquino. Along with my
10 co-counsel, Ms. Amato, we represent Mr. Jesus Chavez. I
11 just have a few questions for you.

12 And I thought -- you correct me if I'm wrong --
13 during the direct examination by Ms. Martinez, you
14 indicated that translating is not really black or white.
15 Is that accurate?

16 A. Yes.

17 Q. At its heart, you really give your opinion as to
18 the meaning of words, correct?

19 A. Um, no, I wouldn't say it's my opinion. It's
20 just based on my experience, like, some things are --
21 yes, this is always what this means, but when you apply
22 it in context, it changes.

23 Q. So, you give your opinion at that point?

24 A. You could say that, but, it's not my -- yeah.

25 Q. Now, ma'am, earlier you testified, I believe,

1 that you rely, at least in part, on police officers for
2 their opinions as to what certain words mean; is that
3 correct?

4 A. Correct.

5 Q. And, principally, those police officers are
6 located in El Salvador; is that accurate?

7 A. Yes.

8 Q. Now, you don't know any hidden biases that those
9 police officers might have, do you?

10 A. I don't know.

11 Q. Okay. Do you also rely upon gang members to
12 provide meanings for you?

13 A. Yes, I do.

14 Q. And, in this case, did you rely upon gang members
15 to provide meanings for you?

16 A. Yes, I did.

17 Q. Okay. Now, you're making a certain assumption
18 about that, right?

19 A. Am I making an assumption?

20 Q. Sure. And the assumption is that those gang
21 members, A, know the true meaning of those terms, and B,
22 are being truthful with you, correct?

23 A. Correct.

24 MR. AQUINO: That's all the questions I
25 have.

1 THE COURT: Redirect.

2 MS. MARTINEZ: Briefly, Your Honor.

3 REDIRECT EXAMINATION

4 BY MS. MARTINEZ:

5 Q. Ms. D'Sa, when you're preparing these
6 translations, the ones that we looked at in court today,
7 what are you basing the translation on?

8 Is it the summaries that were referenced in
9 cross-examination, the Spanish language recordings, or
10 something else?

11 A. The translations?

12 Q. Yes.

13 A. I started from scratch.

14 Q. What do -- what do you mean by "started from
15 scratch"?

16 A. Yes. I did not have any previous experience with
17 the recording. Like, I -- I was asked if I had listened
18 to it before. And, I have not. When I was given these
19 translations, that was the first time I heard them.

20 Q. When you were preparing the translations, were
21 you looking at a summary prepared by another linguist to
22 help you prepare the translation?

23 A. No.

24 Q. What did you base the translation on?

25 A. What I heard on the recording.

1 Q. The word "verbatim" has been thrown around a lot
2 during questioning.

3 Can you tell the jury what your understanding of
4 a verbatim translation is?

5 A. A verbatim translation is all the -- it's a
6 meaning for meaning translation, that you don't
7 translate word per word. It will never make sense if
8 you translate word per word.

9 So we translate meaning for meaning, and you
10 translate every single phrase, every single cough and
11 "um" and "ah" and noise, and everything has to be
12 included; and any pause, any -- someone sneezes, you
13 note it in the body of the translation. That's a
14 verbatim translation.

15 Q. Now, you said it would be meaning per meaning,
16 not word per word; is that right?

17 A. Correct.

18 Q. I want to explore that just a little bit more to
19 make sure that we're communicating the same thing. When
20 you say -- well, let's start with "word per word." If
21 you were to look at a sentence in Spanish and you
22 translated each single word into English and put those
23 English words in the same order as the Spanish words,
24 would that be the way that you would prepare a
25 translation?

1 A. No.

2 Q. Why not?

3 A. Because, it wouldn't make sense.

4 Q. Why not?

5 A. Because we -- the English language and the
6 Spanish language are different, and, we don't say -- we
7 don't speak in the same way. Like, we don't have -- the
8 sentences are not arranged in the same manner.

9 So, if you're trying to translate, for instance,
10 the white house, in Spanish it would be the other way,
11 the house white, and it wouldn't make sense. So, we
12 have to -- it's meaning for meaning.

13 Q. So, in other words, nouns and adjectives, are
14 they in the same order that they would be in English
15 when you see them in Spanish?

16 A. No.

17 Q. How about phrases; if you're looking at a whole
18 phrase in Spanish, would you translate that by
19 translating each word in the phrase into English and
20 keeping it in the same order?

21 A. No.

22 Q. Why not?

23 A. It wouldn't make sense.

24 Q. Why not?

25 A. Because we -- we don't follow the same order.

1 Even like idioms, you don't -- like sayings, you
2 don't -- sometimes when you try to translate a saying,
3 like it's easier -- we will kill a bird with -- two
4 birds with one stone, sometimes, if you're trying to
5 translate that into Spanish, or vice versa, it doesn't
6 make sense.

7 So we have to find the equivalent in English for
8 that particular instance. Sometimes, we do have the
9 exact same term, but, sometimes we don't. Most of the
10 time we don't.

11 Q. And, how about context? If you have one phrase
12 or sentence in Spanish, does it matter, the context of
13 what's being said before and after that?

14 A. Yes, it does.

15 Q. How so?

16 A. Um, if -- if they're talking about a certain, um,
17 word, um -- let me see if I think of an example. If --
18 we have to look at the context for that word to be
19 assigned to the correct -- assigned the correct meaning.
20 Um, otherwise it won't -- it might not fit into the
21 context.

22 Q. You were also asked about different dialects.
23 When you're translating, preparing a verbatim
24 translation, how does dialect inform the way that you
25 prepare the translation?

1 A. It just -- I just have to, um, understand that --
2 I have to think about, okay, am I listening to a
3 Peruvian talking? That word for them might mean
4 something different than it means to a Mexican or to a
5 Salvadoran.

6 So I sort of have to adapt to that and make sure
7 that I'm assigning the correct meaning to the word or
8 the phrase they're saying.

9 Q. And when you're deciding whether you're listening
10 to a Peruvian or a Salvadoran or something else, how are
11 you making that decision?

12 A. Based on their accent and what they say. They
13 have a -- Mexicans have a way of speaking, um, there are
14 certain words that are used more often by a certain
15 nationality, um -- depends where you're from.

16 Q. Defense counsel also asked you about your ability
17 to understand MS-13 gang slang. You said that when
18 you're listening to a recording, you can tell whether
19 you're listening to someone who is speaking MS-13 gang
20 slang. Can you tell the jury a little bit more about
21 that?

22 MR. AQUINO: Objection, Judge. Again, I
23 think we're morphing into a gang expert.

24 MS. MARTINEZ: She was asked the question on
25 cross. I'm simply asking her to explain both the answer

1 and -- the question and the answer.

2 THE COURT: Objection sustained.

3 BY MS. MARTINEZ:

4 Q. You were asked about a particular phrase within
5 one of these recordings and, how you were able to tell
6 the caliber and type of weapon from that phrase.

7 Can you explain to the jury how you're able to
8 tell the caliber and type of weapon in that context?

9 MR. LEIVA: Excuse me. I believe that
10 mischaracterized what I asked. I asked her to translate
11 that phrase, and from that, I asked her: You did more
12 than that. You just basically identified the caliber of
13 the weapon.

14 I didn't ask her how she went about doing
15 it.

16 THE COURT: If you would rephrase the
17 question.

18 BY MS. MARTINEZ:

19 Q. You were asked about a particular section of a
20 transcript. Do you recall that -- on cross-examination?

21 A. Yes, I do.

22 Q. And you were asked about how you were able to
23 translate that particular section of the call; is that
24 right?

25 A. Yes.

1 Q. And, Mr. Leiva pointed out that in the
2 transcript, there's a discussion or there's a
3 translation about caliber and type. Do you recall those
4 questions?

5 A. I do.

6 MR. LEIVA: Your Honor --

7 BY MS. MARTINEZ:

8 Q. Do you know --

9 MR. LEIVA: -- I object to mischaracterizing
10 my question.

11 THE COURT: Overruled.

12 BY MS. MARTINEZ:

13 Q. Do you recall what transcript we're talking
14 about?

15 A. I do recall it. I don't know exactly which one
16 it is.

17 Q. That's okay. But, you recall the general
18 context?

19 A. Yes.

20 Q. In that specific context, how was it that you
21 were able to -- to create a translation that included
22 caliber and type of weapon?

23 A. They were talking about different weapons, and
24 they have different names for them. And I consulted
25 with one of the -- actually, with two of the police

1 officers, and I asked, "What do you think that is?"

2 And they said, "That's a weapon."

3 Q. But, more specifically, with respect to caliber
4 or type, how are you able to translate that?

5 MR. AQUINO: Objection. Asked and answered.

6 THE COURT: Sustained.

7 BY MS. MARTINEZ:

8 Q. When you're listening to Spanish language
9 recordings and you ask someone the meaning of one word,
10 do you rely solely on what that person tells you?

11 A. No.

12 Q. Why not?

13 A. Because I have to satisfy myself. I have to make
14 sure that I am -- I agree. I have encountered times
15 where the -- I know the answer and I'm given different
16 answers. So, I have to -- I have to agree with it.

17 Q. In addition to just that one word, what are you
18 looking at to help determine the meaning of that word in
19 that particular instance?

20 A. Um, the entire context of the conversation.

21 MS. MARTINEZ: Thank you, Your Honor. No
22 further questions.

23 THE COURT: May the witness be excused?

24 (No audible response.)

25 THE COURT: You're free to leave. Thank you

1 for coming.

2 THE WITNESS: Thank you.

3 (Thereupon, the witness withdrew from the
4 stand.)

5 (End of requested excerpt.)

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2 CERTIFICATE OF REPORTER
3

4 I, Renecia Wilson, an official court
5 reporter for the United States District Court of
6 Virginia, Alexandria Division, do hereby certify that I
7 reported by machine shorthand, in my official capacity,
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9 UNITED STATES OF AMERICA v. JOSE LOPEZ TORRES, et al.

10 I further certify that I was authorized and
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